

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 690

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; PROVIDING FOR SEIZURE AND FORFEITURE OF A VEHICLE
DRIVEN BY A PERSON WHOSE DRIVER'S LICENSE IS REVOKED FOR
DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-39 NMSA 1978 (being Laws 1978,
Chapter 35, Section 261, as amended) is amended to read:

"66-5-39. DRIVING WHILE LICENSE SUSPENDED OR REVOKED--
PROVIDING PENALTIES.--

A. Any person who drives a motor vehicle on any
public highway of this state at a time when [~~his~~] the person's
privilege to do so is suspended or revoked and who knows or
should have known that [~~his~~] the person's license was suspended
or revoked is guilty of a misdemeanor and shall be charged with

underscoring material = new
[bracketed material] = delete

1 a violation of this section. Upon conviction, the person shall
2 be punished, notwithstanding the provisions of Section 31-18-13
3 NMSA 1978, by imprisonment for not less than four days or more
4 than three hundred sixty-four days or participation for an
5 equivalent period of time in a certified alternative sentencing
6 program, and there may be imposed in addition a fine of not
7 more than one thousand dollars (\$1,000). When a person pays
8 any or all of the cost of participating in a certified
9 alternative sentencing program, the court may apply that
10 payment as a deduction to any fine imposed by the court.

11 Notwithstanding any other provision of law for suspension or
12 deferment of execution of a sentence, if the person's privilege
13 to drive was revoked for driving while under the influence of
14 intoxicating liquor or drugs or a violation of the Implied
15 Consent Act, upon conviction under this section, that person
16 shall be punished by imprisonment for not less than seven
17 consecutive days and shall be fined not less than three hundred
18 dollars (\$300) or not more than one thousand dollars (\$1,000)
19 and the fine and imprisonment shall not be suspended, deferred
20 or taken under advisement. No other disposition by plea of
21 guilty to any other charge in satisfaction of a charge under
22 this section shall be authorized if the person's privilege to
23 drive was revoked for driving while under the influence of
24 intoxicating liquor or drugs or a violation of the Implied
25 Consent Act. Any municipal ordinance prohibiting driving with

.165083.1

underscored material = new
[bracketed material] = delete

1 a suspended or revoked license shall provide penalties no less
2 stringent than provided in this section.

3 ~~[B. In addition to any other penalties imposed~~
4 ~~pursuant to the provisions of this section]~~

5 B. When a person is arrested pursuant to the
6 provisions of this section and the person's privilege to drive
7 was revoked for driving under the influence of intoxicating
8 liquor or drugs or for a violation of the Implied Consent Act,
9 the motor vehicle the person was driving shall be seized upon
10 arrest. If the person arrested is the owner of the vehicle,
11 the vehicle shall be forfeited to the state pursuant to the
12 provisions of the Forfeiture Act. If the person arrested is
13 not the owner of the vehicle, the owner may obtain the vehicle
14 upon submission of a statement affirming that the owner will
15 not allow a person without a valid driver's license to operate
16 the owner's vehicle. The division shall keep the statement
17 with the vehicle's registration records and if a person without
18 a valid driver's license is thereafter found to be driving the
19 vehicle, the vehicle shall be forfeited to the state pursuant
20 to the provisions of the Forfeiture Act.

21 C. Except for a person whose license was revoked
22 for driving under the influence of intoxicating liquor or drugs
23 or for a violation of the Implied Consent Act, when a person is
24 convicted pursuant to the provisions of this section or a
25 municipal ordinance that prohibits driving on a suspended or

.165083.1

